

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**WILLIAM MONTANO and  
DORIS LUCERO,**  
Plaintiffs,

v.

**Case No. CIV-06-0308 BB ACT**

**CHRISTMAS BY KREBS  
CORPORATION,**  
Defendant.

**ORDER CONCERNING PLAINTIFFS' EXPERT REPORT**

THIS MATTER came before the Court on Defendant's Motion to Exclude or Limit the Use of Plaintiffs' Expert Report (Dkt. No. 51).

The Court having considered the Motion in hearing held on August 14, 2007 before Judge Bruce D. Black, FINDS that the Motion is well-taken.

IT IS THEREFORE ORDERED that:

1. Plaintiffs' August 9, 2007 Expert Report of Dwight Steward, Ph.D. estimating Plaintiffs' economic losses is stricken;
2. Plaintiffs are granted leave to submit an amended Expert Report estimating Plaintiffs' economic losses;
3. Defendant is granted leave to take the deposition of Dr. Dwight Steward, without cost to Defendant, following receipt of an amended Expert Report;
4. The Court will reserve ruling on assessment of fees and costs related to this motion following its ruling on summary judgment motions or following trial.



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HONORABLE BRUCE D. BLACK  
UNITED STATES DISTRICT JUDGE

**SUBMITTED:**

NOEDING & JARRETT,  
A Professional Corporation

By: Electronically Submitted

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